

Gina Harrison
Director
Federal Regulatory Relations

1275 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20004
(202) 383-6423

PACIFIC  **TELESIS**
Group-Washington

DOCKET FILE COPY ORIGINAL

January 5, 1995

EX PARTE OR LATE FILED

RECEIVED

JAN 5 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

EX PARTE

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Mr. Caton:

Re: IAD File No. 94-102, Request for Declaratory Ruling and Interlocutory Order on
Numbering Plan Area Code Relief Plan of Ameritech; IAD File No. 94-104, Request
for Declaratory Ruling on Pacific Bell Area Code Numbering Plan;
FCC Docket No. 92-237, Administration of the North American Numbering Plan

Yesterday, Colleen O'Grady of Pacific Bell and I met with Richard Welch, Legal Assistant to Commissioner Chong, and Rhonda Lien, an intern in that office; Jim Coltharp, Legal Assistant to Commissioner Barrett; Jim Casserly, Legal Assistant to Commissioner Ness; Kathleen M.H. Wallman, Chief, and Allen Barna of the Common Carrier Bureau; William Kennard, General Counsel, Sara Seidman, Special Assistant to the General Counsel, and Sonja Rifkin, Attorney in the office of the General Counsel; and Peyton Wynns, Chief, and Larry Povich of the Industry Analysis Division, to discuss issues raised in the above proceedings and summarized in the attached outline distributed during the meeting. In addition, we provided copies of letters from governmental entities and subscribers in California preferring overlay to a geographic split of area codes. Please associate this material with the above-referenced proceedings.

We are submitting two copies of this notice in accordance with Section 1.1206(a)(1) of the Commission's Rules.

No. of Copies rec'd
List A B C D E

043

William F. Caton
January 5, 1995
Page 2

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Harrison".

Attachments - 2

cc: Richard Welch
Rhonda Lien
Jim Coltharp
Jim Casserly
Kathleen M.H. Wallman
Allen Barna
William Kennard
Sara Seidman
Sonja Rifkin
Peyton Wynns
Larry Povich

California Is Properly Regulating Area Code Administration

Pacific Bell
January 3-4, 1995

Page 1 of 12

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

JAN 5 1995

RECEIVED

After public outcry in 1991 over an area code split in Los Angeles, the California Legislature acted to regulate all new area codes.

Statutes require:

- boundaries to be by city or if less than a city, by geography, topography, community of interest, etc.;
- 24-month notice, hold 3 public hearings within 6 months of notice;
- written notice to subscribers and PUC at least 15 months prior to new area code.

FCC must distinguish between interstate and intrastate numbering issues.

- **Area code wholly intrastate.**
- **California Legislature has regulated area code introduction.**
- **AirTouch complaint regarding overlay area code pending at California Public Utilities Commission.**

February 21-28

Workshops

March 6

Opening Testimony

March 13

Reply Testimony

March 20

Rebuttal Testimony

March 27-31

Hearing

- **NARUC resolution called for state jurisdiction over details of area code introduction.**

State regulation does not negate any valid FCC regulatory goal.

- State statute raises valid local issues.
 - Statute requires notice to millions of affected subscribers.
 - Statute requires boundaries established in particular ways.
- Competition will not be negated by overlay plan. Two elements which are at issue:
 - (1) 15-month lag between tandem and end office
 - technical necessity for first overlay only
 - (2) dialing disparity (7 vs. 11 digits)
 - subscribers used to dialing 11 digits for local calls

Key Facts

- 14 area codes in California.
- Wireless growth in 310 area caused early exhaust.
 - 64% growth in 1994 in wireless, 3% growth in 1994 in wireline
 - 80% number resource utilization in 1994 was for wireless carriers
- Under area code split, 2.4 million subscribers would need to change telephone number.

Comparison of California and Ameritech Plan

Ameritech Proposal:

- Takeback of 708 numbers from wireless carriers
- Wireless only overlay

California Plan:

- Strive for no takebacks of numbers
- All new growth (wireless and wireline) in overlay code
 - 15-month lag between tandem implementation and end office implementation because of the need to upgrade 40+ systems at the end office.

Conclusion

- Distinguish California from other states.
- Don't foreclose implementation based on point of interconnection where technical reasons exist for distinction.
- Don't foreclose state regulation to further valid local concerns.

[illegible]

Relevant California Public Utilities Code Sections

§ 2887. New area code; boundaries; notice to subscribers

(a) Whenever a telephone corporation initially establishes the boundaries for a new area code, the boundaries shall coincide with the boundaries of a city, or, if the area code is to include less than the entire area of a city, the corporation shall consider, among other things, the criteria set forth in Section 35101 of the Elections Code in determining those boundaries.

(b) All local exchange telecommunications corporations shall provide notice to all of their California subscribers of the creation of a new area code within a reasonable time period prior to the implementation of the new area code.

(Added by Stats.1988, c. 176 (S.B.1088), § 2.)

§ 7980. Notice of intention to establish; meetings; notice of geographic area and subscriber options

Whenever a telephone corporation proposes to establish a new area code, it shall do all of the following:

(a) Give written notice of its intention to establish a new area code to all affected subscribers and the Public Utilities Commission at least 24 months prior to the time the corporation proposes to commence the use of the new area code.

(b) Within six months after giving the notice required by subdivision (a), conduct at least three public meetings in the affected geographical area to give affected subscribers an opportunity to be heard on the potential impact of the proposal, to discuss measures that may be taken to mitigate any potential disruptions, and to discuss measures that may be taken to reduce any economic hardships experienced by subscribers and customers, including subscribers and customers with directory listings.

(c) Give written notice of the specific geographic area to be included in the new area code to all affected subscribers and the Public Utilities Commission at least 15 months prior to the time the corporation proposes to commence the use of the new area code, together with the options available to a subscriber through the telephone corporation to mitigate any disruption to his or her telephone service.

(Added by Stats.1980, c. 190 (A.B.2880), § 1.)

§ 7981. Transitional period; recorded announcement when old area code is dialed

Whenever a telephone corporation establishes a new area code, it shall do both of the following:

(a) Provide for a transitional period of at least six months during which a telephone number in the new area code may be reached by dialing either the old area code or the new area code, if an area code is required.

(b) Subsequent to the transitional period provided in subdivision (a) and for at least the next six months, if prefix codes are available, permit callers, without charge, when the old area code is dialed, to reach a recorded announcement that will inform the caller of the new area code.

(Added by Stats.1980, c. 190 (A.B.2880), § 1.)

§ 7982. Split area code; rate structure

The rate structure of any call originating in or made to an area code shall not change with the split of an area code into two or more area codes, regardless of the number of digits dialed.

(Added by Stats.1980, c. 190 (A.B.2880), § 1.)

California Election Code
(referenced in Calif. Pub. Util. Code §2887)

§ 35101. Redistricting after decennial federal census; Considerations

Following each decennial federal census, and using that census as a basis, the council shall, by ordinance or resolution, adjust the boundaries of any or all of the councilmanic districts of the city so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts the council may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

Convention Floor Resolution No. 2

Resolution Concerning
Numbering Plan Area Code
Overlays, Boundary Realignments and Splits

WHEREAS, State Commissions have historically had input into Numbering Plan Area (NPA) Code overlays, boundary realignments and splits because of the intensely localized impact of such actions, the desire for local proceedings involving the affected parties, and the States' undeniable parens patriae concerns; and

WHEREAS, On July 29, 1994, Ameritech Illinois (Ameritech) filed a Petition for Approval of NPA Relief Plan for 708 Area Code by Establishing a 630 Area Code with the Illinois Commerce Commission; and

WHEREAS, On August 4, 1994, Mobile Media Communications, Inc., Page Mart, Inc., and Paging Network, Inc., (Petitioners) filed a Request with the Federal Communications Commission (FCC) for Declaratory Ruling and Interlocutory Order on an Ameritech Proposed 708 Relief Plan and 630 Numbering Plan Area Code; and

WHEREAS, Petitioners asked the FCC to issue a declaratory ruling that the Proposed 708 Relief Plan take-back of telephone numbers assigned to the petitioners on behalf of their customers and the simultaneous implementation of the proposed new 630 NPA code by Ameritech constituted unjust and unreasonable practices in violation of Section 201(b) of the Communications Act and were unreasonably discriminatory in violation of Section 202(a) of the Act; and

WHEREAS, Ameritech, as Central Office Code Administrator for the State of Illinois, has recently reached a non-unanimous settlement on an industry compromise relief plan for the 708 NPA code and the introduction of the 630 NPA code that would overlay the geographic area of the 708 and 312 NPA codes in the Chicago area; and

WHEREAS, The compromise 708 NPA code relief plan includes: an all-service overlay; no forced number takebacks but limited voluntary givebacks; assignment to wireless carriers of only 630 and 312 NXXs; assignment to other carriers of up to 10-708 NXXs each; and eventual mandatory 11-digit dialing for the 708 and 630 NPAs; and

WHEREAS, There is opposition to the proposed settlement by the City of Chicago and other parties, and the Illinois Commerce Commission has scheduled a second hearing on the numbering relief plan on November 15, 1994; and

WHEREAS, Ameritech's original 630 NPA code overlay plan has some similarities with the initial implementation proposals by Pacific Bell for a new NPA code (562) to overlay the 310 NPA code in the Los Angeles area, and NPA code splits, boundary realignments, and overlay solutions are and will continue to be required in other areas as NPA code exhaustion occurs; and

WHEREAS, NPA overlays, boundary realignments and splits may involve many state specific variations in local dialing patterns that may be responsive to local geographic circumstances or certain local customer expectations; and

WHEREAS, State commissions are uniquely positioned to understand, judge and determine local circumstances and customer expectations; and

WHEREAS, Any FCC decision on Petitioners' requests could also impact any future NPA code split, boundary realignment or overlay implementation proposals; be it, therefore

RESOLVED, That the Executive Committee of the National Association of Regulatory Commissioners (NARUC), convened at its 106th Annual Convention in Reno, Nevada, recommends that State Commissions be allowed to continue their roles in oversight of NPA code splits, boundary realignments, and overlays; and be it further

RESOLVED, That State Commissions should continue to provide direction to the parties involved in NPA code splits, boundary realignments and overlays based upon each State's consideration and determination of local circumstances, including the impact on competition; and be it further

RESOLVED, That state commissions are uniquely positioned to understand, judge and determine appropriate dialing pattern changes and other changes that may be required with NPA overlay, boundary realignments and splits; and be it further

RESOLVED, That, should the FCC feel compelled to take some action in this matter, the action be limited to broad policy statements, leaving the details of NPA code splits, boundary realignments, and overlays to the State Commissions; and, be it further

RESOLVED, That the NARUC General Counsel be directed to file and take any appropriate action to further the intent of this resolution.

Sponsored by the Committee on Communications
Recommended for adoption by the Executive Committee

adopted 11/16/94

**PLASTIC SURGERY
ASSOCIATES**

W. Grant Stevens, M.D., F.A.C.S.

**Diplomat, American Board of Plastic Surgery
Fellow, American College of Surgeons**

**Aesthetic and Reconstructive Plastic Surgery
Surgery of the Hand**

June 6, 1994

**Gene Sherman
Vice-President - External Affairs
Pacific Bell
1010 Wilshire Boulevard
Room 7630
Los Angeles, California 90017**

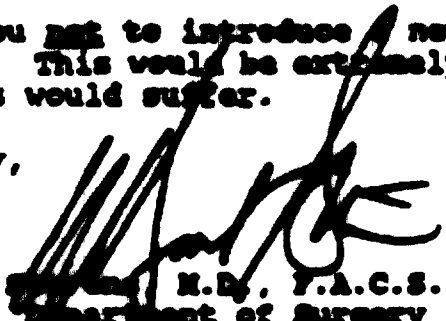
Dear Mr. Sherman:

I have been located in Marina del Rey for eight years. As one of the customers who went through the recent area code split, I support your plan to introduce an overlay area code and options to help slow down the demand for telephone numbers in area code 310.

We suffered financial hardship as a direct result of the 310 area code change. We would appreciate it if this area code would last into the next century. To consider another split would only put additional hardship on not only myself but the other business owners and residents in the area.

I urge you ~~not~~ to introduce a new area code in the Marina del Rey area. This would be extremely regressive for this area and all of us would suffer.

Sincerely,


**W. Grant Stevens, M.D., F.A.C.S.
Chairman, Department of Surgery
Daniel Freeman Marina Hospital**

WGS:sh

cc: Marina del Rey Chamber of Commerce



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

822 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012
Telephone (213) 974-4444 / FAX (213) 922-0241

DEANE DANA
SUPERVISOR, FOURTH DISTRICT

June 2, 1994

Mr. Eugene Sherman
Vice President - External Affairs
Pacific Bell
1010 Wilshire Boulevard, Room 1606
Los Angeles, California 90017

Dear Mr. Sherman:

I am writing in support of overlay area code 862 which will be introduced in March, 1995.

By "stacking" instead of splitting, a new area code can go into service without requiring millions of customers to change their area code. In the last three years, more than 4.2 million residents and business customers in Southern California changed their area codes at the introduction of 310 and 909.

Before that, we had to contend with the introduction of the 818 and 619 area codes. An overlay design makes the most sense. It meets the increasing demand for telephone numbers with minimal impact on residential and business customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Deane Dana", is written over a horizontal line.

DEANE DANA
Supervisor, Fourth District
County of Los Angeles

DD:ac



KENNETH P. HAHN
ASSESSOR

COUNTY OF LOS ANGELES
OFFICE OF THE ASSESSOR
800 W. TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2770

June 2, 1994

Mr. Eugene Sherman
Vice President - External Affairs
Pacific Bell
1010 Wilshire Blvd., Rm. 1805
Los Angeles, CA 90017

Dear Mr. Sherman:

I am writing in support of overlay area code 562 which will be introduced in March, 1996.

By "stacking" instead of splitting, a new area code can go into service without requiring millions of customers to change their area codes. In the last three years, more than 4.2 million residential and business customers in Southern California changed their area codes at the introduction of 310 and 909.

Before that, we had to contend with the introduction of the 818 and 619 area codes. An overlay design makes the most sense. It meets the increasing demand for telephone numbers with minimal impact on residential and business customers.

Sincerely,

KENNETH P. HAHN

KPH:sb
OVERLAY

June 1, 1994

Mr. Eugene Sherman
Vice President - External Affairs
Pacific Bell
1010 Wilshire Blvd., Rm. 1605
Los Angeles, CA 90017

Dear Mr. Sherman:

I am writing in support of overlay area code 562 which will be introduced in March, 1996.

By "stacking" instead of splitting, a new area code can go into service without requiring millions of customers to change their area code. In the last three years, more than 4.2 million residential and business customers in Southern California changed their area codes at the introduction of 310 and 909.

I know because I was one of the many business customers impacted by 213/310 split.

Before that, we had to contend with the introduction of the 818 and 619 area codes. An overlay design makes the most sense. It meets the increasing demand for telephone numbers with minimal impact on residential and business customers.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leon Guide", with a long horizontal flourish extending to the right.

Leon Guide Orchestra
Music for All Occasions
1393 Casano Road
Los Angeles, CA 90049

Wendy M. Brogin, AICP

PLANNING, ZONING AND GOVERNMENTAL AFFAIRS CONSULTANT
A Certified Women Business Enterprise (CWE) and Minority Business Enterprise (MBE)

FOXBORO
(508) 966-3100

390 MATILIA AVENUE SHERMAN OAK, CALIFORNIA 91143 1287

PACIFIC
(508) 966 7610

June 10, 1994

Mr. Gene Sherman, Vice President
Pacific Bell
1010 Wilshire Boulevard, Room 1630
Los Angeles, California 90017

BX FAX

Dear Mr. Sherman:

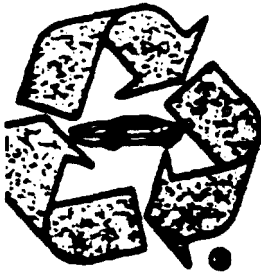
I understand that the new 562 area code will go into effect without splitting an existing area code. As a small business owner and as an active member of the business community, I support this plan.

I support the plan because the implementation of the new code will not rely on its allocation according to geographic areas. From a business standpoint, the overlay method will avoid businesses, such as mine, from being forced to change stationary, brochures, business cards, etc. Additionally, we will not have to rely on knowledge of the geographic location of our telephone call destinations to make prompt calls to our clients. Furthermore, our clients will be able to continue to telephone us with the confidence that they will reach us promptly, uninterrupted by corrective recordings. At last communications will not be fragmented as a result of the implementation of a new area code.

We all recognize that the future expansion of telecommunications requires change. I ask that you pass on my sentiments to the "powers that be" that this change can be accomplished with only positive effects by implementing the proposed overlay method. I believe that the overlaying of the new 562 area code is a definite step in this direction.

Very truly yours,

Wendy M. Brogin, AICP
Principal



Goremotive Industries, Inc.

June 6, 1994

Mr. Gene Sherman
Vice President
Pacific Bell
1010 Wilshire
Room 1630
Los Angeles, CA 90017

Dear Mr. Sherman:

I understand that the new 652 area code will go into service without splitting an existing area code. I support this plan.

In the past when a new area code was needed, the solution was to always create a new geographic area code out of an existing code. While this solved the problem, the result was that many telephone customers were required to change their stationary, business cards and advertising. Additionally, many customers were also required to change their number and many cities had parts of their city covered by one code and other sections by a new code. This was a very unpopular decision.

I support your plan to introduce an overlay area code. To consider another split would put an additional hardship on business owners and residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur Sweet".

Arthur Sweet
President

SANICLEAN

SELECTION
CLEANING
SERVICES

June 9, 1994

Mr. Gene Sherman
Vice-President
Pacific Bell
1010 Wilshire Blvd.
Room 1630
Los Angeles, CA 90017

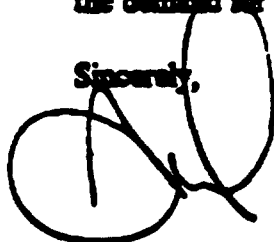
Dear Mr. Sherman:

This correspondence is to state my support for putting into service the new 562 area code without splitting an existing area code.

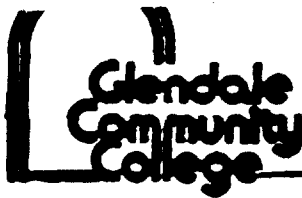
I believe that a new separate area code designated for use with mobile phones is a good idea. Since most people do not list mobile phone numbers on business stationary, this would alleviate the need for many business people to have to reprint their respective business cards, stationary, etc. I myself, am growing weary of having to keep track of the recent splits of the 213 & 714 area codes to 310 and 909.

It would seem that an overlay area is the only practical solution in addressing the demand for more phone numbers.

Sincerely,



Armen Molonian
President



Dr. John A.
Superintendent

June 9, 1994

BOARD OF TRUST
Ray M.
Robert K. H.
Philip C. H.
Dr. Kenneth H. H.
Tim W. T

Mr. Eugene Sherman
Vice President of External Affairs
Pacific Bell
1010 Wilshire Blvd. Room 1600
Los Angeles, CA 90017

Dear Mr. Sherman:

I have reviewed the material prepared by the telephone industry regarding a proposed new area code 562 which will overlay the existing area codes 213, 818 and 310. As a current user of cellular service in the Los Angeles Basin, this proposal is sound and has my complete endorsement as the most feasible approach to disrupting as few customers as possible during the changeover process.

I urge the Public Utilities to endorse this request.

Very truly yours,

A handwritten signature in cursive script that reads "Donald F. Averill".

Donald F. Averill, Ed.D.
Administrative Dean, Human Resources



The Telephone Connection of Los Angeles, Inc.

9911 W. Pico Blvd., Suite 680
Los Angeles, CA 90035-2710
(213/310/714/818) 789-7900
(805/909) 371-8811

Ms. Paula Olivares
Pacific Bell
Los Angeles RBU

November 14, 1994

VIA FAX

Dear Paula,

I am writing in support of Pacific Bell's proposed implementation plan for the new area code 562. We are pleased with the implementation plan that your team devised, believe it is fair, and appreciate the care with which you took to get input from the carriers.

If there is anything we would have like to have seen done differently, it is only that we would have liked Pacific to go even further than it did with its implementation of area code 562. We were supporting an plan that would have made 562 LATA-Wide, or in the very least a code which covers 213/310 and 818.

Some carriers have argued that implementing 562 initially for WC's only discriminates against WC's because the code, 562, will identify the telephone number as being a non-land line number. These same carriers were the ones who insisted that 562 only be open to overlay 310.

Unfortunately, I believe these carriers have missed the point. In this age of increasing overlap between subscribers' use of wireless and non-wireless service as their primary means of communication, with the advent of area code 500 for PC licensees, and with most carriers starting to market "single number service", I believe that those who were upset about multi-geographic overlay missed an important marketing opportunity.

We do not feel that there is any stigma with regard to a subscriber using a wireless service as their primary telephone number. In fact, we believe that properly explained to a subscriber, area code 562 has fantastic possibilities for a wireless carrier to truly market a "LATA-Wide local number" to its subscribers. We believe that our subscribers will gladly take a number with a "new" area code when they learn that the number is a local call for all of their callers in the LATA.

If any discrimination had been created, it has been created by those carriers who demanded or threatened legal action against Pacific if 562 were to overlay more than just 310. Unfortunately, those carriers have created their own disadvantageous situation by limiting 562 to overlaying 310 only because, under that arrangement, subscribers to new wireless services will have to use 10 digit dialing if they subscribe to a WC service in 310, but can use 7 digit dialing if they subscribe to a WC service in other area codes; therefore, subscribers in 310 will wonder why their dialing pattern is more difficult than that of subscribers in other area codes. 310 WC subscribers will automatically sense something "different" about their WC service than other subscribers, which is exactly the perception the carriers were trying to avoid. All new WC subscribers could have been on an equal footing had the other carriers agreed to let 562 overlay more than one existing area code.

And, opening 562 for non-WC subscribers in the 310 area code before opening it for WC service in other existing area codes does nothing to rectify the disadvantages WC subscribers in the 310 will have. In fact, opening this code to non-WC subscribers will make, we feel, this situation worse!

We know that your team saw the value of a multi-geographic overlay, but had to deal with the short-sidedness of the larger carriers and their demands. If a carrier is to subscribe to a type-2 service, they should treat it as it was intended: as a LATA-Wide code, and not a "area-code" based service.

We encourage Pacific to make area code 562 available on as broad a geographic basis as possible, and as soon as possible. Thank you again for an opportunity to contribute to the process.

Sincerely,



Marc S. O'Krent
President